1448-49 (ML)

File No 67-4
Serial Nos 58, 59

Previous References

Later References

Serial Nos Two

Part B for April '49

Subject

Sale of land lying - by the Side of the Motha Talkies, Davangere to Sri Motha Veerappa ~~ee~~ Davangere

To The ML Comr Davangere Taly - (through the D-St)

No L 11690/B 12-4-49

Conveys the approval of the Govt to drop the Sale of the land in

6970 ✓ 6983 ✓ 7012

C F 69]

Continuation Sheet | File No / Current No | of | 1 Page

Two Petitions dt 23/4/45 from M. R. Veeraraffa, Davangere, forwarding a copy of letter addressed to the local Police Authorities against the illegal activities of the authorities in preventing the construction of a cinema by him.

Telegram dt 26/4/45 from the President of the Davangere Town Municipality praying for stay order to prevent the construction of a cinema by M. Veeraraffa.

A draft letter is put up to the D C Chitaldrug stating calling for a report within three days.

Submitted.

26/4

Draft approved.

Letter sent from Withdrawn

2) Case

3) Issue

Reported

To,

The D C Chitaldrug

Lr 10768 dt 30/4

calls for report

WD 02139—GPB—20 000—26 2 45

Complaints against the Construction of a cinema at Dawanpur

C F 69[illegible] | File No / Current No | Page 2

Continuation Sheet | of

Telegram from the Hd President Dawanpur addressed to the Minister Legn on the matter

Letter No H-c 136/44-45 dt 27-4-45 from the Hd Plt addressed to the Dewan & the Minister Legn on the subject.

4) ---- orders of the Minister Legn on the telegram ----

from the D[illegible] would like to have a reply within a week'

(Sd) Hq 26/4/45

5) orders of the Dewan on the letter ----

(Hon'ble gentleman may be told (in reply reference to orders) That he correspondence with the govt should be through proper channel"

(Sd) 1/5/45

6) Subs

A reply has already been called for from the D c

7) A draft letter is now put up to the Plt, as per orders of the Dewan

Dr appl

Law secy 1/5/45

Dewan 1/5/45

construction of a cinema at Dawanpur

7395 / 8038 / 8053 / 2

~~Letters from the D.C~~

To,

The Pt, Dawanpur Town ulf

L 11547 dt 29-5-45

~~Incs~~ certain instructions

L 11548 — copy dt — the D C thereto

~~From~~ the D C thereto dt-

No A6 319/44 dt 8-5-45

No A6 2557/44 dt 30-5-45

" "/44 dt 31-5-45

~~Incs~~ certain information in the matter

10) The results of the D C are subject for perusal He promises to submit a final report in the matter and the same will be awaited

Ma 30/6/45 11) The attitude of the municipal President of the Dawanpur Town ulf as judged by the reports so far received from the D C thereto as anything but satisfactory I made pointers marked on the letters)

12) The receipt of further reports as promised will be awaited

Ma 3/7/45 F. M. [illegible]

Lawrence [illegible]

13) [illegible]

From the Deputy Commr. Cuttack
No ABC 2557-319/64 GA
8 11 9 1965

Forwards with his remarks the records relating to the construction of a cinema theatre at Davangere by one Mr Moti Veerappa

(1) Asked his file relates to the construction of a cinema theatre at Davangere by one Mr Moti Veerappa. Mr Veerappa seems to have applied on 30 10 1964 for the construction of a cinema theatre on a site belonging to one Lakmaya, which he had taken lease of for a period of 25 years. He was asked to submit a revised plan & on its submission the license was granted. He began to construct the restaurant portion & the Municipal council intervened with it on the ground that the structure was being put on a piece of land belonging to the municipality & ordered that being unauthorised it should be pulled down. Mr Veerappa, however, continued the construction & the municipal council at their meeting held on 17 5 1965 resolved

construction of a cinema Theatre
Davangere.



Serial No

to prosecute Veerappa for the unauthorised ~~construction~~ construction & to file a civil suit restraining him from going on with the construction. The criminal case has been launched before Special First class Magistrate Davangere the case is going on

15) In the above circumstances to be suggested that the results of the criminal case has to be awaited that no interference on the part of civil court is necessary either with the criminal or civil proceedings of the municipal council against the Veerappa It is however emphasised that the Mangalore but of land in contravention should not be allowed to be sold by public auction without consulting the Town Architect.

16) Submitted for orders.

27/9/45 17) Pl put up the records of the case if they were required

15) Submitted for 2/11/45

16) The reference received from the Director of Town Planning is submitted for perusal

NOTE—Contn Sheet

construction of a cinema theatre at Davangere

File No 1 of 194 | General and Revenue Secretariat

Serial No

It is somewhat long and appears to be a plea on behalf of Mr. M Veerappa further, it looks more like an office note citing case law, rather than a report setting forth the facts of the case and referring to the conclusions of the latter. Both the criminal & the civil cases launched by the Govt against Mr. Veerappa are not yet decided. The D.C. counsels that no reference is called for by the Govt at the present stage. This memo may perhaps be accepted & the file of records returned to the D.C. entailing

sd/- [illegible] 9/11/45

SECRETARIAT COMMITTEE FOR AGRICULTURE NOV 19 1945 No 2996

ADDITIONAL SECRETARY No 23 Date 1-11 GOVERNMENT OF MYSORE

1) A. Magge appd
Minister for Agr)

2) Sons 12/XI

3) Sons 21/XI

4) Mrs 30/11

5) Sons 1/12/45

6) DF letter put up

7/11/Sec

TYPING SECTION GEN & REV SECTT

7) Issued 8/12/45

8) Office letters put up
7/12

construction of a cinema at Davangere

Serial No

To,

The D C Chitaldrug
L 6030 of 3-1-46.
calls for certain information
with certain observations

Govt Asst 11/1

P.W.D)

Letter No AG PR 319/44-45 dated the 27th January 1948 from the Deputy Commissioner Chitaldrug District, stating that Mr Motha Veerappa presented an application on 9-6-47 for the grant of the triangular bit of land in dispute for Rs 4500/- and to withdraw the cases (civil & criminal) launched against him by the Davangere Municipality, that the Davangere Municipal has resolved on 9-6-47 that this bit of land be granted to him for Rs 4500 & the cases be withdrawn and requesting sanction to the said resolution

D)

E)

---

Para 2, Pl.)

2) The Dy Commr further states, in this connection, that the dispute between the Davangere Municipality and Mr Motha Veerappa regarding the ownership of the triangular bit of land, has been settled amicably and that Mr Motha Veerappa has also deposited

NOTE—Contn Sheet

Grant of land lying by the side of the Moth Talkies in Dandanpani to Mr Moth

File No Veerappa, of 194 — General and Revenue Secretariat

Serial No 449/1/L

Rs 4500/- on 16-6-47. The area of the land is 15 1½ sq yards as shown in the sketch (Flag F) Mr Veerappa is the lessee of the land (for 25 years) on which the Moth Talkies are built in the PUD (28). The Dy Commissioners recommendation is for orders

29) In his letter No. Ad-PR 319/47-2 Hor 5-2-48 dated 11-9-45 (Summarised in paras 14 and 15 supra) the then Dy Commr opined that the triangular bit of land in dispute could be sold only after obtaining the opinion of the Government Architect in the matter. No opinion is furnished in his behalf in the present report

Pr 5-2-48

30) The opinion of the Govt Architect may perhaps be obtained in the matter, before passing orders thereon

Rec'd 9-2-48 Typed 636 Fwdd w/c to the Architect, Ewg Purpose Bangalore for favour of opinion

9/2/48 Syedabdulla for Revs Secy

Returned with compliments to the Revenue

Grant of land lying by the side of the Moth Talkies in Davangere, to the Mothi Veeraffa

ML 4491

2334-dd 13-2-48

Mothi

- 2 -

To Secretary to Government, Revenue Dept

32) The road leading from Chandi Circle to the Level Crossing which forms the western boundary of the Mothi Theatre property is the only link between the old and new town of Davangere. As the traffic on this road is extremely heavy, and it may become necessary to widen it in the near future

33) A road margin of at least 15 feet (preferably 20 feet) should therefore be kept as Municipal property between the drain and the compound wall of the Mothi Talkies to avoid expensive acquisition proceedings when the widening of the road becomes necessary

34) I suggest that the proposed sale of margin land to the Theatre proprietor may be approved subject to the maintenance of the above described road margin by the Municipality

7855-
13/2

11/2 48

Government Architect in Mysore

35) In view of the opinion of the Govt Architect in paras 32 to 34 above, an enquiry will, if approved be made of the Deputy Commissioner, Chitaldrug whether the road margin referred to can be maintained by the Municipality of the sale of the triangular piece of land proposed to be sold to the Mothi Veeraffa is approved A draft letter is also herewith put up for approval or other orders.

18 FEB 1948

14 2 48

36) 16/2/48

37) 17/2/48

38)

16/2

grant of land lying by the side of the Motha Talkies in Davangere to Sri Motha Veerappa, Proprietor of the Talkies

Ml 4491

V 7000 pl

Letter to the Deputy Commissioner Chitaldrug District noted in roc 13883 dated 25-2-1948

Calls for certain particulars —

"Sus"
ATOR
25/2/48

From

the Dy Commr Chitaldrug Dt
No Ab P R 445-C 2 322/9-3-48
states that the ML Pdt and the Sub Divisional Officer, Davangere have been reminded to expedite the submission of their reports

39) Subd for kind perusal. The receipt of the detailed reports will be acknowledged

Sus
21/3/49 Pr 21 3 49

40) yes Ll 1/4/49

21/3/49

Sus B - 21/3/49

Letter no H-C 99/48-49 dt 16 3-49 from the ML Commr, Davangere enclosing a copy of the letter addressed by the Mill Owners Association, Davangere stating that the sale of the land may be dropped.

41) Subd for perusal

7000 J 7255

The mc el have resolved to drop the sale of the land

Ref — paras 29 & 37 supra

The resolutions of the City Dev manager ~~of~~ rlwd dated 17.4.48 to the effect that the sale of the land in question maybe dropped on the grounds suggested by the Govt Architect maybe approved & the records returned to the President, Dev manager city rlwd. The land maybe reserved for the extension of the road & other contingencies that may arise later.

Our orders

(Govt's approval to above proposal)

TELL IT FOR CITY
MJ CPA - A - ARAN
No 4339
Date 2.9.51

(Permission to City Dev Manager) from 26/3/49

SECRETARY TO GOVT OF MYSORE
Date 4/4

Resolution of the Council is approved disposing the sale of the land P&Ch

3/4

Appr letter accdgly

Sd/-

7255 ml 6748
1

submit with a draft letter for appl

like

5/4 Pr Secy

Spare

Ld

6/5/49

To the ml Comm,

Davangere asp mcs, thro DCs

'1859

No L 11690 dt 12-4-49

Conveys the approval of Govt

to drop the Sale of the Land

B

25/4

DEPT OF LAW
No. P.876
Date 26.4.45

To

O Pulla Reddy, Esquire, I A S,
Minister of Revenue & Law,
Government of Mysore,
PALACE

6970

Sir,

I enclose herewith a copy of the application addressed to the Inspector of Police, Davangere, relating to the high-handed and arbitrary behaviour of the present municipal administration

I request you to take needful action in the matter

Yours obediently,
M Veerappa
APPLICANT

Davangere,
23-4-45

To,
The Inspector of Police, Davangere taluk, Davangere

Applicant:- M.Veerappa,
Davangere Press Proprietor,
Davangere

Application under section 149 of Cr P.C.

The applicant has been building a Cinema theatre near the Gandhi circle in this town He is doing so after obtaining the necessary license from the muni-cipality There is a hotel building under construction to the north-east of the cinema theatre The appli-cant has obtained license for this also and has been building the same within the site vested in him This site belongs to Marwadi Babulal and is in possession of the applicant under a registered lease-deed for a long period.

The location of the hotel building and the grant of t e license therefor are being questioned by the municipality and the notices idsued to the applicant by the municipal office in this respect have all been duly replied.

It is learnt that the congress party including the president of the municipal council have decided in their party meeting to pull down the restaurant building by force The president has no right to pull down any building If the municipality consider that the appli-cant is in the wrong it is open to the municipal coun-cil to take such action as the law requires The muni-cipality have no power in law to use physical force and pull down any building, much less when the applicant is contending that he is within his own rights If the municipality should use physical force and if the pre-sident or its subordinates were to collect men and enter upon the premises of the applicant and attempt to pull down building the applicant will be obliged to protect his rights in the way in which he is entitled under the law. Their, if executed, will amount to cognizable offences under sec:447 and 427 of the I.P C.

It is therefore requested that action may be taken to prevent the commission of cognizable offences by the municipal president or his subordinates.

M Veerappa
APPLICANT.

Davangere,
23-4-45.

DEWAN'S OFFICE
26 APR 1945

INDIAN POSTS AND TELEGRAPHS DEPARTMENT No. 7002

Recd at ___ H 22 M | Sent at ___ H ___ M | Office Stamp

From 4507 | To | By

250 OH Davangere 25 Bangalore CC

Dewan's Office

Molku veerappa influential lingayat merchant constructing building without license occupying and encroaching valuable municipal land

Eden Press, Calcutta—No. 146 (3167/B. 99)—28-7-44—50,000. Bks

7th 5

B T B INDIAN POSTS AND TELEGRAPHS DEPARTMENT Ivo

| Reed at 15 29 H M | Sent at H M | 10th Sta P. |
|---|---|---|
| From Dvg | To | |
| By Dvg 27 | By | |

O 011 [illegible] is awaits bb
I would like to
have a word from
[illegible] Lister local & H.Q. governm
[illegible] to
[illegible] regard
[illegible] Indian [illegible] influential
[illegible] 26 yrs
[illegible] year [illegible] construction
[illegible] building without licence
[illegible] occupying and encroaching
[illegible] valuable municipal
[illegible]

Eden Press, Calcutta—No. 146 (5167/B. 99)—28.2.44—50,000. Bks

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1311

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DEWAN'S OFFICE
26 APR 1945

INDIAN POSTS AND TELEGRAPHS DEPARTMENT No.

Recd at ___ H ___ M | Sent at ___ H ___ M | Office Stamp.
From ___ | To ___
___ | By ___

2nd OH Davangere 25 Yrs
Dewan of Mysore Bangalore
for Mr. Mc Iver

Molkeri veerappa influential
lingayat merchant constructing
building without license -
occupying and encroaching
valuable municipal land

Eden Press, Calcutta—No. 146 (5167/B. 99)—28.7.44—50,000. Blks.

B T B INDIAN POSTS AND TELEGRAPHS DEPARTMENT No

| | |
|---|---|
| Received at ____ H ____ M | Sent at ____ H ____ M |
| From ____ | To ____ |
| By ____ | By ____ |

Office Stamp. 25 MH

deputy Commissioners stayed municipal resolution removing obstruction under 109 (6) (b) and 111 (1) (c) whereupon contentions construction hot shots municipal properties in jeopardy Prays in Judicial orders staying further construction

Eden Press, Calcutta—No 146 (5167/B. 99) 50,000. Bks

President
Davangere Municipality

7

Immediate

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

L-10768

30 4 1945

To,

The D C Chitaldrug

Sir,

~~I am~~ I am directed to forward ~~a~~ fourth a telegram dated 23/4/45 (in original) received from one M N Veeraffa of Davangere forwarding a copy of letter addressed to the local inspector of police complaining of the high handedness of the local authorities in preventing the construction of a cinema by him and a copy of telegram subsequently received from the pdr of the local ltd ct praying for stay orders in respect of the construction of a cinema

WD 03697—GPB—30 000—2 2 46

at the place
by an Necessity, I am to request
you to submit within Three days,
a detailed report together with the
records in the alleged complaint
of my own

I have etc

for
Secy of Law

No H c 136/44 45

Encl ~~telegram~~

From

THE PRESIDENT
TOWN MUNICIPAL COUNCIL
DAVANGERE

OFFICE OF THE PRESIDENT
Town Municipal Council
DAVANGERE
Date 27th April 1945

OFFICE
2 MAY 1945
No M 1695

To

The Dewan of Mysore,
BANGALORE

Sir

In continuation of the telegram sent on 25-4-45 in re stay order issued by the Deputy Commissioner Chitaldrug suspending action in pursuance of the resolution passed by the Municipal Council on - 23-4-45 against Mr Mothi Veerappa, I have the honour to state that the stay order was granted without giving an opportunity to the Municipality to explain its position in the matter The power of the - Deputy Commissioner under S 194 Town Municipal Act to suspend the - execution of any order or resolution, it is submitted, can be excercised only if the resolution is unlawful i e if it is forbidden by law Mr Mothi Veerappa applied on 27-2-45 for permission to construct a Hotel Building to the north-east of the Theatre Building As the - application was bad in law i e in that it did not contain the particulars required by S 109, he was intimated that in the absence of those particulars the license could not be granted The land, for which he sought permission to build on, did not belong to him In fact, he applied to the Council to grant lease of that triangular piece of land, lying to the north-east of his theatre building for 25 years He never again approached the Municipal Council for license Being an influential and rich man, he began to flout the authority, and began the construction of the new building in hot haste The Municipality, - after observing the procedure of drawing up a mahajar, and a plan - showing the unauthorised construction on the encroached land, convened a special meeting on 23-4-45 and passed a resolution to take action against him under S 109 (6) (b) and 131 (2) Thereupon, he was - issued a notice under the said sections requiring him to stop further

construction

consturction and pull down the unauthorised consturction within seventy two hurs of the receipt of the notice Meanwhile, he approached the Deputy Commissioner and obtained the stay order referred to As Mr Kothi Veerappa was proceeding with the construction the office was obliged to send a telegram to the Deputy Commissioner and he has since sent a memo to the effect that Mr Veerappa may be served with notice to stop construction work As a valuable municipal property was in jeopardy, urgent measures were taken against the wrong-doer It is submitted that constant interference by the Deputy Commissioner in the administration, will hinder the carrying out of the lawful orders of the Municipal Council, and others will be encouraged to disobey the law

If necessary, I will appear before your honour with all the connected records and explain the whole matter

It is therefore, requested that the order of the Deputy Commissione staying the execution of the resolution passed on 23-4-45 be cancelled

I have the honour to be,
Sir,
Your most obedient servant,

K J Jambanna
President,
Town Municipal Council,
Davangere

B N

By registered post

No H C 136/44-45

Encl —

11

OFFICE OF THE PRESIDENT
Town Municipal Council
DAVANGERE
Date 27th April 1945

From

THE PRESIDENT
TOWN MUNICIPAL COUNCIL
DAVANGERE

OFFICE TYPIST
F R L S G & P H
Date 3-5-45
No 1342

To The Minister for Local Self-Government
in Mysore,
BANGALORE

Sir

In continuation of the telegram sent on 25-4-45 in re stay order issued by the Deputy Commissioner Chitaldrug suspending action in pursuance of the resolution passed by the Municipal Council on 23-4-45 against Mr Pothi Veerappa, I have the honour to state that the stay order was granted without giving an opportunity to the municipality to explain its position in the matter The power of the Deputy Commissioner under s 194 Town Municipal Act to suspend the execution of any order or resolution, it is submitted, can be exercised only if the resolution is unlawful i e if it is forbidden by law Mr Pothi Veerappa applied on 27-2-45 for permission to construct a Hotel Building to the north-east of the Theatre Building As the application was bad in law i e in that it did not contain the particulars required by s 109, he was intimated that in the absence of those particulars no license could be granted The land, for which he sought permission to build on, did not belong to him In fact, he applied to the Council to grant lease of that triangular piece of land, lying to the north-east of his theatre building for 25 years Later on he again approached the Municipal Council for license Being a rich and influential and rich man, he began to flout the authority, and began the construction of the new building in hot haste The Municipality, after observing the procedure of drawing up a mahajar, and a plan showing the unauthorised construction on the encroached land, convened a special meeting on 23-4-45 and passed a resolution to take action against him under s 109 (b) (b) and 131 (2) Thereupon, he was issued a notice under the said sections requiring him to stop further

construction

12.



consturction and to pull down the unauthorised consturction within seventy two hours of the receipt of the notice Meanwhile, he approached the Deputy Commissioner and obtained the stay order referred to As Mr Kothi Veerappa was proceeding with the construction, the office was obliged to send a telegram to the Deputy Commissioner and he has since sent a memo to the effect that Mr Veerappa may be served with notice to stop construction work As a valuable Municipal property was in jeopardy, urgent measures were taken against the wrong-doer It is submitted that constant interference by the Deputy Commissioner in the administration, will hamper the carrying out of the lawful orders of the Municipal Council, and others will be encouraged to disobey the law

If necessary, I will appear before your honour with all the connected records and explain the whole matter

It is therefore, requested that the order of the Deputy Commissione staying the execution of the resolution passed on 23-4-45 be cancelled

I have the honour to be,
Sir,
your most obedient servant,

K J Jantara
President,
Town Municipal Council,
Davangere

B N

No A6 319/44-45

Office of the Deputy Commissioner
Chitaldrug District
Chitaldrug, dated, 8th May 1945

7395

From

A G Nirvani Gowda, Esq, B A,
Deputy Commissioner, Chitaldrug District, Chitaldrug

To

C Narayanaswamy Naidu, Esq, B A, B L,
Legal Remembrancer and Secretary to Government,
Law Department, Bangalore

Subject,

Petition of one Mr A Veerappa of Davangere complaining against the high handedness of the local unicipal authorities in constructing a cinema theatre etc,

---

Sir,

Adverting to your No L 10708 dated the 30th April 1945 on the above subject and calling for a report with the records, I have the honour to state that on a similar petition presented by Mr M Veerappa, I called for a report from the President of the Davangere Town unicipal Council, which were received in this office on the 28th ultimo, I returned the report asking the President furnish further particulars with a revised plan All the information called for from this office has not been supplied and I have again asked the President to expedite the same As the petitioner Mr A Veerappa has presented his petition through his council, I have to give an opportunity to the council to argue the case In these circumstances, I regret that it is not possible to send the final report to Government within three days as called for I shall however send a final report early after obtaining all the particulars

The main construction of the petitioner in this case is about the ownership of a triangular bit of land which the petitioner claims as his, while the Municipality complains that the petitioner has encroached upon Municipal land I therefore asked the President to substantiate the claim of the unicipal Council to the bit of land under dispute by producing necessary documentary evidence All the land within a Municipal limit does not necessarily belong to a unicipality There may be land belonging to Government, the Municipality and also private individuals The

The President has not satisfied himself on this point nor the Municipal Council by perusing or producing documentary evidence so far This requires investigation and I have therefore called for information to clear this point

The petition received with your letter under advertance will be sent with my final report

I have the honour to be,
Sir,
Your most obedient Servant,
M Paramasivam
For Deputy Commissioner,
Chitaldrug District,
(Absent from the Headquarters)

C M P 2/

Appendix F G—1]

SUPJECT

'Q' Corps

Section

File No

Serial No

*Diary No of letter replied to*

No Q-11547

To

G neral and Revenue Secretariat

( )

the 194

The President,

Tiruchirapalli Cantonment

Date of issue 29/5/45

Sir,

Signed by

I am directed to make reference to your letter No Ltr 136/44 dt 27/4/45 addressed to the Dewan re the alleged unauthorised construction of a cinema at the place by one N Vythilingam and to state that the correspondence with the port on any subject should be made

List of enclosures

Copied by

Examined by

WD 0744—GPB—15 CO.—30 10-44

invariably through the appropriate channel in accordance with the instructions laid down in go no L 2509-9/ Mil 4 40-18-1 dy 3-7-1918 This is not an urgent case in which the provisions of go no L 2078-85/Mil 7 8-26-1 dy 16-9-1926 could be applied the orders of post should be strictly adhered to in future

I have &c

for Secy/Law.

Memo No L-11548 29/5/44

Copy of the above is forwarded w/c & the D-c charted Secy at reference to this Office memo no L 10768 dy 30/4/45 A telegram (in original) received from the Post Master Peshawar is sent herewith to note for information He is requested to send the reports called for by them early return of post

By Order

for Secy Law

D/ 31/5

No HC 136/44 45

Encl

From

THE PRESIDENT
TOWN MUNICIPAL COUNCIL
DAVANGERE

OFFICE OF THE PRESIDENT
Town Municipal Council
DAVANGERE
Date 24th May 1945

To

The Legal Remembrancer and Secretary to Government,
Law Department,
BANGALORE

Sir

Subject - Petition of Mr M Veerappa complaining of high - handedness of the Municipality

I have the honour to state that the Municipal Council at its specialm meeting held on 23-4-45 resolved that, for building without license and encroaching upon, and building upon Municipal land action against the petitioner Mr Veerappa might be taken under S 109 (6) (b) and 131 (2) Town Municipal Act The petitioner, aggrieved at this, approached the learned Deputy Commissioner, Chitaldrug and got an order suspending the execution according to the resolution Meanwhile the petitioner had been served with a notice under S 109 (6) (b) and 131 (2) giving him seventy two hours' time The stay order was received on 25-4-45, I submitted a report to the Deputy Commissioner on 26-4-45, as called for, with all necessary documents - available The learned Deputy Commissioner felt that the report was not to his taste wrote a letter with some searching querries, which are obviously intended to help the petitioner However the querries were answered and sent to him on 5-5-45 He was not satisfied with the answers He has again sent back the querries, directing the Chief Officer to call for a copy of the lease-deed from Mr Veerappa and get prepared a sketch according to that deed from the office Sub-overseer All the while, the party never stopped the work even though he was asked to do so under the insturctions of the Deputy Commissioner He is just completing the building while acting under S 194 Town Municipal Act, the Deputy Commissioner is holding a detailed enquiry regarding the ownership of the disputed piece of land, which, I humbly submit, is not contemplated under that section It is made to

appear that delay in sending the final report is caused by the Municipal Office I submit it is not so

I request that the papers may kindly be called for immediately and orders passed after giving an opportunity to the Municipality to place its case before you

I have the honour to be,
Sir,
Your most obedient servant,

K J Jambanna
President,
Town Municipal Council,
Davangere

B N

19

No A6.2557/44-45

Office of the Deputy Commissioner,
Chitaldrug District,
Chitaldrug, dated, 30th ay 1945.

SECRETARIAT 8038 7 JUNE 1945 L S G BRANCH

To

C Narayanaswamy Naidu, Esq, B A B L,
Legal Remembrancer and Secretary to Government,
Law Department, Bangalore

Subject, Petition of one Mr Moti Veerappa of Davangere complaining against the high-handedness of the local Municipal authorities in constructing a Cinema theatre etc,

Sir,

In continuation of this office letter No A6 319/44-45 — dated the 9th May 1945 on the above subject, I have the honour to state that the report called for from the President of Davangere Municipality has not so far been received in spite of reminders

2 Instead of submitting a report, I understand, the Municipal Council has passed a resolution to prosecute Mr Moti Veerappa and also to file a Civil suit against him When Government have called for a report in the matter, this action of the Municipal Council amounts to a contempt of the orders of Government

3 I have, however, asked the President of Davangere Municipality to expedite the submission of the final report by return of post and on receipt of the same, I shall make a further communication to Government in the matter

I have the honour to be,
Sir,
Your most obedient Servant,

Deputy Commissioner,
Chitaldrug District

C M F 2/

No A6 2557/44-45 OFFICE OF THE DEPUTY COMMISSIONER, CHITALDRUG DIST
Dated, Chitaldrug, 31st May 1945.

To
The Hon'ble Mr. C. Narayanaswami Naidu, Esq , B A , B L ,
Legal Remembrancer & Secretary to Government
of His Highness the Maharaja of Mysore,
Law Department, Bangalore.

Sir,

In continuation of this office letter No A6 319/44-45 dated the 30th instant regarding the petition of Mr Moti Veerappa of Davangere complaining against the high-handedness of the local Municipal Authorities in constructing a Cinema Theatre, etc , and stating that a final report would be submitted after receipt of records and a detailed report from the President of Davangere Town Municipality, I have the honour to invite kind reference of Government to letter No H C 136/44-45 dated the 30th May 1945 addressed to you by the President of Davangere Municipal Council stating that a report with all documents was submitted to this office on 26-4-1945 On this report of the President, I have called for ~~xxxxx~~ certain relevant records and plans to know the proprietory rights of the Municipality over the bit of land now under dispute As already stated in my letter No A6 319/44-45 dated the 9th May 1945, the President has not satisfied himself on this point When I was at Davangere between the 10th and 12th instant, the President showed me certain old papers bearing on the subject in question and it is really surprising that instead of sending the papers and the report called for by me, that he should make a report to Government in this behalf direct I am inclined to believe that he is trying to evade answering legitimate queries of this office and hushing up the records

I have today asked the President again to submit the complete records relevant on the subject so as to enable arriving at a correct finding of the case On receipt of the same, I shall make a further communication to Government

I have the honour to be,
Sir,
Your most obedient servant,

DEPUTY COMMISSIONER,
Chitaldrug District

RSR/

A6 C 2557-319/44-45

21

No. A6. ~~P.R.319/44-45~~

OFFICE OF THE DEPUTY COMMISSIONER,
Chitaldrug District,
Dated, Chitaldrug, 11th Sept 1945

Encl:- One file
(By Reg post)

To

J B. Mallaradhya, Esq , M A ,
Additional Secretary to Govt of
H.H. The Maharaja of Mysore,
Bangalore

1953

ADDITIONAL SECRETARY No 1573 Dt 16 SEP 1945 GOVERNMENT OF MYSORE

B 6970

10768

1 With reference to your letter No L ~~10716~~ dated 30th April 1945, I have the honour to enclose herein the entire records connected with the case ending with the report No H.C 136/44-45 dated [illegible]-1945 from the President, Town Municipal Council, Davangere, and to state as follows:-

2 As per Plan No I, the Town Municipal Council sold the site marked No 1 in Southern Extension on Dharwar-Bangalore Road measuring 110' x 120' in public auction for Rs.375/- to one Mr Ramanna in 1910 as seen from the sale records enclosed herein This Plan No I has not been drawn to scale and site No 1 has been shown with roads on all sides of it and in the Sale Notification it is stated that the sale purchaser should leave 10 feet margin adjacent to the road in the site purchased by him It is not known whether he should leave 10 feet out of 110' x 120' purchased by him or whether 10 feet margin has already been deducted in Site No I and the balance of 110' x 120' given to the sale purchaser

3 This site changed hands and is now in the Khate of Lakamaji and Mr Moti Veerappa has taken the lease of this site for 25 years by a registered deed dated [illegible] 13-9-1944 for the purpose of constructing a Cinema Theatre

4 Mr M Veerappa applied for permission to build a Cinema Theatre on 19-10-1944 with duplicate plans and Mr M. Veerappa was instructed to give a revised plan The President states that Mr M Veerappa submitted a revised plan, that license was ordered to be given on 30-10-1944 as per revised plan A-B-C-D and that the President is not aware who has

has drawn the A-B-C-D- portion in the plan Mr Bheema Rao, the counsel for Mr M Veerappa has stated in his letter dated 23-4-1945 to the President, that it was the Municipal Office who got the plan A-B-E-D marked by its Sub-Overseer since the plan submitted by Mr M. Veerappa did not show the ground plan and the President sanctioned it and the Chief Officer issued the license

5 Mr C. Krishna Murthy Rao, the then Chief Officer of the Municipality not only admits that this plan A-B-C-D- was drawn by the Sub-Overseer of the Municipality but says that when Mr Veerappa commenced construction of the hotel portion, the President and some Councillors inspected the site and asked Mr Veerappa to set back the foundation by three feet and that M Veerappa did actually set it back by three feet As it was an important locality - adjacent to Bangalore-Dharwar Road, the President and the Chief Officer appear to have got the plan marked by the Municipal Sub-Overseer themselves showing proper road-margin etc It is curious how the President says that he is not aware who had drawn the plan A-B-C-D , when it was the Municipal Sub-Overseer who had drawn it

6 In the plan A-B-C-D-, the restaurant portion is not shown but the restaurant portion in the plan submitted by Mr M. Veerappa is not specifically scored In the Municipal Property Register, a triangular site measuring 120' x $\frac{50 + 0'}{2}$ is shown as existing on the Eastern side and this is marked in the plans Nos 4 and 5 While demarcating the land in A-B-C-D the President seems to have not looked into the Property Register at all and he got demarcated the Eastern Boundary along the dotted line in A-B-C-D- which almost came to the line C-N in plan No 4 The President had committed an error and to rectify it, he appears to have taken the stand that the restaurant portion had not been permitted to be constructed at all and that Mr M. Veerappa had encroached upon the Municipal land He appears to hold that the dotted line on the Eastern side of the plan A-B-C-D does not mean that the land up to that

that line was given to Mr M. Veerappa and the Counsel for Mr M. Veerappa has contended in his application to the President, dated 23-4-1945 that the ground plan A-B-C-D was drawn by the Municipal Office showing only a small triangular bit on the Eastern side, that his client has not agreed even to the correctness of this and that however, the restaurant building is well within the site marked in A-B-C-D It is true that the restaurant building is well within the dotted line on the Eastern Side of the plan A-B-C-D

7 Mr M. Veerappa began to construct the restaurant portion at the place marked in Plan No 4 alleging that he was entitled to construct it under the sanctioned plan The Municipal Council resolved on 23-4-1945 to take-action against him under Section 109 (6)(b) Town Municipal Act and 131 of the said Act The President issued a notice to Mr M Veerappa to pull down the structure within 72 hours Mr M. Veerappa sent a petition to the Minister for Local Self Government on 23-4-1945 enclosing a copy of the letter addressed to-the-Police Inspector, Davangere, wherein he has stated that if the Municipality were to use physical force and if the President or his subordinates were to collect men and enter upon the premises and to attempt to pull down the building, it will amount to offences under Sections 447 and 427 I P C and that he will be obliged to protect his rights under the Law He also applied to this office praying for a stay order saying that if the Municipality were to enforce the resolution, he will have to offer resistence to protect his rights It was reported by the Assistant Superintendent of Police, Davangere, that the President was hastily trying to collect his staff and other people to pull down this building, that Mr M. Veerappa had also collected a large number of people to oppose them and that there was a likelihood of a breach of the peace A stay order was issued from this office requesting the President to stop giving effect to the resolution He wired to the Dewan to cancel the stay order, which meant that he should be permitted to pull down the structure which as I will later

later show was not a straight case for the Municipality and which would have caused a breach of the peace

8 On the application of Mr M Veerappa, the President was requested to send up an immediate report Before sending a full report, the Municipal Council passed a resolution on 17-5-1945 to prosecute Mr M. Veerappa and to file a civil suit against him In Memo No A6 2557/44-45 dated 31-5-1945, the President was asked to send a full report with records stating categorically what the case of the Municipal Council is On 4-6-1945 he sent the report enclosing the connected records but he did not state what the case was The counsel for Mr M Veerappa was heard and the points in dispute were formulated as noted below -

| | For the Municipality | For Mr M. Veerappa |
|---|---|---|
| 1 | The construction of the restaurant portion is un-authorised | 1 It is authorised under the sanctioned plan |
| 2 | The construction of the Compound-wall along the dotted lines in A-B-C-D is un-authorised | 2 It is authorised under the sanctioned plan |
| 3 | The resolution of the Municipal Council dated 17-5-1945 to prosecute Mr M Veerappa and to file Civil Suit against him is in order | 3 It is ultra-vires and has to be cancelled as he has not committed any offence If this resolution is given effect to, he will sue the Municipal Council for malicious prosecution |
| 4 | The triangular bit measuring $120 \times \frac{50+0}{2}$ belongs to the Municipality and Mr M Veerappa has encroached upon it | 4 This triangular bit does not belong to the Municipality and he has not encroached upon it |
| 5 | Mr M. Veerappa is entitled to 110' x 120' leaving the triangular portion A-B-C | 5 He is entitled to the full extent of site No.1 as shown in the plan of 1910 |

9 Even though a notice was issued to Mr M. Veerappa as per instructions of this office not to proceed with the further construction and that if he does, he will do so at his risk and that it will be liable for being demolished, Mr M. Veerappa has gone on with the construction alleging that he is within his rights

10 All along the contention of the President appears to be that Mr M Veerappa had encroached upon the ~~g~~ triangular bit of land measuring 120' x $\frac{50 + 0'}{2}$ and without satisfying himself about the encroachment, he has written to the Dewan that valuable Municipal Property is in jeopardy There was no encroachment at all as seen in the Plans Nos 4 and 5 got prepared through the Chief Officer His Contention has thus fallen flat and he admits that there are no entries in the Property Register to show that the land A-B ~~X Z~~ or R-S-T belong to the Municipality

11 It is Mr C Krishna Murthy Rao, the then Chief Officer, who has sanctioned this plan A-B-C-D The restaurant portion is not scored out in the plan and it is not projected in the plan A-B-C-D Mr C Krishna Murthy Rao says that when Mr Veerappa began constructing it, the President inspected the same and gave instruction to set it back that Mr Veerappa accordingly set it back by three feet and that Mr M Veerappa is entitled to construct the restaurant portion as per dimensions shown in the plan as the same was not struck off

12 Having said so much about the facts of the case, I will now discuss about the merits of the several points in dispute Very interesting points of law and fact have been pressed by the Counsel for Mr M.Veerappa

13 (1) In 1910, Site No 1 marked in Plan No I was sold in public auction showing the boundaries of the site as roads on all the four sides The measurement of the site sold is shown as 110' x 120' with a direction that 10 feet road margin should be left This site actually measures more In Johri -vs- Jowahra and others, Lahore High Court (Indian Cases Vol 58 1920 pp 67) it has been held that "it is a well-recognized principle of construction of deeds relating to land in cases of variation between measurements and plans, that reliance should ordinarily be placed on the latter " In Rit Lal Mahto ~~xxxx~~ and others -vs- A J Shillingford, Patna High Court, (Indian Cases Vol 57,

Vol 57, 1920 pp 2) it has been held that where there is a conflict between the area and the boundaries, which are firm, ascertained and definite, the boundaries must prevail but if the boundaries are uncertain the intention should be taken to be to demise the specified quantity xx within those boundaries In Sarkar's Evidence Act in commentory under Section 97 the same principle is enunciated If the boundaries of the site are the criterian for determining the rights of the purchaser then the whole site belongs to Mr Veerappa If the measurements are the criterian, a portion of the site only belongs to Mr M Veerappa He contends supposing the site measured less than 110' x 120', the Municipality would not have given him any extra extent out of the roads to make up 110' x 120' and that just because the site measures more the Municipality cannot claim the extra extent

(2) In the plan prepared in 1910, this site is marked as No 1 and has been sold as such The Municipality have not reserved any triangular bit out of this site No 1 and have not given any separate number for that triangular bit, so that the argument is that the Municipality has no right what-so-ever to any land in site No 1 Suppose this triangular bit is given to the Municipality, it may sell the bit again and make profit This amounts to duplicate sale of one and the same land At this rate the Municipality can sell a site to a person showing clear boundaries and then cause it to be measured again and then issue notice that it is more and try to sell the excess, thus causing harassment to the parties It is alleged that this amounts to deception The Municipality cannot sell over and over again the same site

(3) The Municipality have sold this site with boundaries as roads on four sides and the purchasers have been in uninterrupted possession of this site for over 30 years and in the lease-deed the boundaries of the site are shown as roads on all the four sides except on the West where it has been show as Municipal land It is claimed that there is adverse poss-

possession and that the Municipality have no right to any portion of the land in this site

(4) Out of the four roads shown as boundaries of the site, the road on the Southern side (The Bangalore-Dharwar Road) and the road on the Eastern side (Davangere-Jagalur Road) exist even now The Conservancy road on the Northern side and the Jagalur Road on the Western side are not easily discernible as this road has become obsolete and is not used now The measurement of these obselete roads cannot be definitely put down now In one view of the matter, it is contended that if the measurements are the criterian, Mr M Veerappa is entitled to have the land measured with 10 feet margin on the Northern, Eastern and Southern sides and to leave the Manicipal land if any on the Western side, since in the lease-deed the Western Boundary is shown as Municipal Land The result is that the Municipality has no right over the triangular bit on the Eastern side

(5) The Municipality claim the triangular bit measuring $120' \times \frac{50+0'}{2}$ on the basis of the entry in their Property Register The Property Register of the Municipality is written from the year 1917-18 (2) Is the party bound by the entry in this Property Register when the same is against the Sale Notification and the sale conditions? As this triangular site has not been shown either in the site plan of 1910 or in the Sale Notification, it is contended that the entry in the Property Register which has been done only in 1917-18 without consulting the sale purchaser, is unauthorised

(6) Though the site measures more, why did the Municipality sell only 110' x 120' ? The explanation appears to be that since this site had been bounded on all sides by roads, road-margin had to be left and so deducting the road-margin, the site measuring 110' x 120' only has been sold It cannot be that the Municipality wanted to reserve any portion of the site No 1 so that it might be sold again at a later date for profit If the intention

intention of the Municipality was that, it would have straight-away shown the place where it wanted to reserve the excess portion and given a number to it and sold it then It is hence alleged that the Municipality have only the right to indicate the road margin that is to be left and they have no manner of right for the excess portion with a view to making profit by selling it to others and thus causing annoyance to the owner of this site

(7) If supposing Mr M. Veerappa is entitled to only 110' x 120' out of this site, who is to demarcate this extent within site No 1 ? Is it Mr M. Veerappa or is it the Municipal Council? If it is Mr M. Veerappa, then the Municipality have no case since he will put the measurement in such a way that the entire construction is within that 110' x 120' or 13,200 Sq Feet If it is the Municipality, how will they get that right and under what law? The Municipality can only demarcate the road-margin but not claim this way or that way as they please, land from Mr M. Veerappa

(8) It is further contended that though Mr M. Veerappa need not have given the right of demarcating 110' x 120' to the Municipality, still he adopted the plan A-B-C-D prepared by the Sub-Overseer of the Municipality In that plan 35 feet have been left as road-margin in the South and 25 feet as the space from the compound to the building on the West Mr M. Veerappa contends that if this 35 feet and 25 feet which have been marked by the Municipal Council are confirmed, then there will be no encroachment whatsoever if 110' x 120' or 13,200 Sq feet is given in accordance with them Can the Municipality go behind the plan which has been prepared by its own Sub-Overseer and which has been duly sanctioned by its own Chief Officer?

(9) It is seen that there was an old construction on this site measuring 49½' x 110' It is contended by the President that Mr M. Veerappa is entitled to get 30 feet on

on both sides of this 49½ feet Under what rule can this be en forced? There is no rule or law except the rule of the road-margin which can be validly enforced against Mr M Veerappa Can the Municipality arbitrarily lay down that Mr M Veerappa should take 'such and such a portion?

(10) It is contended that when Baboo Lal had applied to the Municipality on 23-11-1942 for a license, he has shown in his plan the Municipal site on the Eastern side Does this mean that the Municipality has a triangular site towards the East? Does this stray word in an application validly confer a right on the Municipality to the triangular site when in 1910 they had not reserved such a triangular bit but have sold the entire site to the purchaser? In his further application dated 24-10-1943 he has enclosed another plan which does not show any Municipal site on the Eastern side

(11) It is contended by the Municipality that in the plan A-B-C-D, 25 feet towards the West have been shown by mistake and that seeing the scale in the plan it ought to be more and that the 25 feet should have been left from the edge of the building Mr M Veerappa is not responsible for this mistake and he is entitled to the benefit of it The licensees cannot be expected to scrutinise the plans and find out the mistakes committed by the Municipality Suppose Mr M Veerappa had left 25 feet ~~xx~~ from the edge of the building, then the Municipality would have probably said that it was also wrong because the arrow-mark showing this 25 feet had extended into the building Either way it was easy for the Municipality to find fault with the licensee when it itself was in the wrong in the first instance

(12) In the plan A-B-C-D prepared by the Sub-Overseer of the Municipality, the site belonging to or acquiesced to be given to him has been shown in dotted lines by the Municipality Mr M Veerappa contends that his entire construction is within

within the dotted line Is not the Municipality bound by the boundaries marked in these dotted lines which have been marked by its own Sub-Overseer?

(13) It is contended that Mr M.Veerappa is entitled to a rectangular site measuring 110' x 120' and not to an irregular side If the road-margin of 35 feet has to be left on the Southern Side, such a rectangular piece cannot be shown at all without encroaching upon the road on the Northern side It is contended by Mr M Veerappa that because a portion of the road came within this 110' x 120' towards the North, a little projection on the North-east was added and that this has been definitely marked by the dotted line in the sanctioned plan A-B-C-D though he is entitled to the whole site

(14) It is contended that Mr M.Veerappa has given an application on 16-12-1944 to the Municipality for giving the triangular bit to him on 25 years' lease and that this amounts to his acquiscence that the triangular bit belonged to the Municipality He has withdrawn this application on 14-2-45 Just because he has given an application wrongly, it does not mean that he has given up his right under the lease-deed Further, the triangular bit referred to by Mr M.Veerappa in his application dated 16-12-1944 may mean the triangular bit shown in the sanctioned plan A-B-C-D as belonging to Municipal Council The triangular bit referred to in the application dated 16-12-1944 may not refer to the triangular bit measuring 120 x $\frac{50 + 0'}{2}$

(15) It is alleged that there was an old foundation on this site leaving 25 feet from the road on the Southern side and that Mr M Veerappa has demolished this old foundation and constructed the present one at 35 feet from the road This he has done in accordance with the sanctioned plan A-B-C-D and he cannot be penalised for this and compelled to take land from 25 feet only and not from 35 feet

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(16) It is contended that Mr M.Veerappa has already constructed compound-wall on the Northern and Western sides without license He says he is doing so as per sanctioned plan A-B-C-D

(17) It is contended that on the ground that the restaurant portion is being constructed without a license Mr M Veerappa has been prosecuted and that this prosecution is vexatious Several arguments are adduced in his favour I refrain from commenting since the matter is subjudice In P D Iyengar's "Law of Corporation in British India" pp 402, it is stated as follows - "In cases where there is a discretion, that discretion in granting or refusing a license must be exercised judicially"

13) A local authority can refuse a license only on grounds of public safety, health or convenience and not to secure an advantage to itself in a dispute about the question of title

(18) It is contended that the Caltex Company people are complaining that the water of the restaurant will flow towards their land and that the kitchen fire in the restaurant is dangerous If Mr M Veerappa is entitled to construct the restaurant portion, then the remedy is not to arbitrarily demolish the restaurant portion There is a road between the restaurant portion and the land belonging to the Caltex Company Mr M Veerappa may be directed by a notice to put up a suitable sanitary pit to take off all the out-flow of water So far as the danger from fire is concerned, Mr M Veerappa states that the tank is adjacent to the Railway line, that all along there has been no danger from the sparks of the engine of the Railway, that the distance between the restaurant portion and the tank is more than 60 feet, that there is a compound wall also on the Northern side and that there is absolutely no fear of fire I think there is no fear of fire from this restaurant If necessary, Mr M Veerappa may be asked not to have doors and windows on the Northern and Western sides of the kitchen

In view of all these considerations, the right of the Municipality to the alleged triangular bit of land - 120' x $\frac{50+0}{2}$ is highly dubious Even if the Municipality should agitate in a Civil Court and get this triangular piece of land, what will it do with it? In the lay-out plan No 2 dated 11-2-1944 prepared by the Government Architect only shops had been proposed to be constructed on this site With the construction of this theatre it appears to me that no shops can be permitted to be constructed on the Eastern Side as they will abutt very close to the Theatre and that the space should be kept open The Municipal Council have resolved to sell the triangular bit They can be permitted to do so, only if the Government Architect approves of the same

14) IN CONCLUSION, I HAVE TO STATE AS FOLLOWS:-

In the resolution of the Municipal Council dated 17-5-45 a criminal case as well as a civil suit have been proposed to be filed against Mr M.Veerappa The Criminal Case is sub-judice If the Municipality succeed in this, then they get a right to pull down the hotel portion If they fail, the counsel for Mr M.Veerappa says that he will sue the Municipality for malicious prosecution The result of the case may be awaited

As regards the filing of civil suit under this resolution there is no construction or encroachment as already stated on the triangular bit A-B-C marked in the plan No 4 The Municipality may sue for their alleged land A-B-C They may also put forth their claim that Mr M Veerappa is entitled to only 110' x 120' in site No 1

I am not sure if the Municipal Council have considered the various points of law and fact mentioned above before they passed this resolution of 17-5-1945 I am sending a copy of this letter to the President and requesting him under Section

Section 192(c) Mysore Town Municipalities Act to explain to the Municipal Council their rights and liabilities in this contested case The Municipal Council may consider all aspects and pass a well-considered resolution - whether they would wish the Civil Suit to be filed against Mr M. Veerappa If they so resolve they may file a Civil Suit and they may also take such action as they deem fit, after the result of the Criminal Case is known No interference with their Criminal or Civil remedies is called for, but the Municipal Council cannot be permitted to sell the triangular bit in public auction without consulting the Government Architect I am requesting the President to consult the Government Architect on this behalf

The entire records connected with the case are herein enclosed for kind perusal and early return

I have the honour to be,
Sir,
Your most obedient servant,

DEPUTY COMMISSIONER,
Chitaldrug District

RSR/3

G R S App F G 3

GI NERAL AND REVENUE SFCRETARIAT

(*Continuation sheet draft form*)

L Hqr
L 6030 3-1-L[illegible]

To,
The chief Engineer
[illegible]

Sir,
In continuation
of this office letter
No L3 [illegible] 76 dated 7-11-45

To,
The D C Chittagong

Sir,
With reference to
the correspondence ending
with your letter no A6 c
255-7-319/44 dated 11-9-44
forwarding a report on question of
the action taken by the Darwangars Hostel
for
[illegible] Hostel
[illegible] a
[illegible] Darwangars
[illegible] Darwangars
I am directed to
state that the [illegible]
with your [illegible] to the
effect that no
interference is called
for by the govt at the

WD 03697—GPB—30 000—2 2 40

present stage of the question, for
reasons stated therein
Records accompany for
further necessary action

"X"
"To be sent by
United Stat

I have the
honor
to be
Sir
Your most
obedient
Servant

C F 45]

GOVERNMENT OF MYSORE

T | g m ph no A6 D R 310/44-45

OFFICE OF
the Deputy Commissioner,
Chitaldrug District.

Dated, 27th January 1948

To Enc 1 file

To

Syed Abdul Aleem Esq ,B A ,
Secretary to the Government of Mysore,Revenue Department,
Bangalore

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Subject, Sanction to the Grant of land lying by the side of the Nethi Talkies,to Mr Nothi Veerappa at Davangere

=======

In continuation of this office letter No A6 D R 310/44-45 dated 11-9-45 and with reference to our letter No L 6030/3 dated 9-1-1946 on the above subject, I have the honour to state that Mr Nothi Veerappa presented an application to the Municipal Council, Davangere on 9-6-47 for the grant of the triangular bit of land for Rs 4500/ and to withdraw the cases launched against him in the 1st Class Magistrate's court The Municipal Council, at its meeting held on 9-6-1947 has resolved that the bit of land measuring about 150 Sq Yds may be granted at a cost of Rs 4500/ and that the cases launched against him may be withdrawn

2 The President of the Municipal Council in his letter No MC 63/47-48 dated 4-12-1947 has reported that the dispute has come to an amicable settlement, and that Mr Nothi Veerappa has also deposited Rs 4500/ on 16-6-1947 This is a triangular bit of land measuring,Western side 104' Eastern side 120' and Northern side 28' the total extent being 1361 Sq feet or 151 2/9 Sq Yds as marked in the enclosed plan The President of the Municipality recommends to obtain sanction of Govt thereto

3 This was a long pending dispute and it has ended in a satisfactory compromise between the Municipal Council and Mr Nothi Veerappa The value of the land fixed by the council has also been paid by the party I request that sanction of Govt may kindly be obtained to the grant of the land measuring 151 2/9 Sq Yds to Mr Nothi Veerappa as per the resolution of the Municipal council

All the connected papers are enclosed herewith for favour of reference

reference

I h[illegible] the honour to be,
Sir,
Your most obedient Servant,
C. A. Pallegar
Deputy Commissioner,
Chitaldrug District

C M F 2/

No AB P R 319/44-45
Encl 1 file

OFFICE OF THE DEPUTY COMMISSIONER,
Chitaldrug District,
Dated, Chitaldrug, 11th September 45

To

J B Lallaradaya, Esq M A ,
Additional Secretary to Government of
H H The Maharaja of Mysore,
BANGALORE

Sir,

With reference to your letter No L 10710 dated 30th April 1945, I have the honour to enclose herein the entire records - connected with the case ending with the report No H C 130/44-45 dated 4-6-1945 from the President, Town Municipal Council, Davangere, and to state as follows -

As per Plan No I, the Town Municipal Council sold the site marked No 1 in Southern Extension on Dharwar-Bangalore Road measuring 110' x 120' in public auction for Rs 375/- to one Mr Ramanna in 1910 as seen from the sale records enclosed herein This plan No I has not been drawn to scale and site No 1 has been shown with roads on all sides of it and in the Sale Notification it is stated that the sale purchaser should leave 10 feet margin adjacent to the road in the site purchased by him It is not known whether he - should leave 10 feet out of 110' x 120' purchased by him or whether 10 feet margin has already been deducted in Site No I and the balance of 110' x 120' given to the sale purchaser

This site changed hands and is now in the share of Lakmaji and Mr Koti Veerappa has taken the lease of this site for 25 years by a registered deed dated 13-9-1944 for the purpose of constructing a Cine a Theatre

Mr K Veerappa applied for permission to build a Cinema Theatre on 19-10-1944 with duplicate plans and Mr K Veerappa was instructed to give a revised plan The President states that Mr K Veerappa submitted a revised plan, that license was ordered to be given on 30-10-1944 as per revised plan A-B-C D and that the President is not aware who has drawn the A-B-C-D portion in the - plan Mr Bheema Rao, the counsel for Mr K Veerappa has stated in his letter dated 23-4-1945 to the President, that it was the -

Municipal Office who got the plan A-B-C-D marked by its Sub-Overseer since the plan submitted by Mr M Veerappa did not show the ground plan and the President sanctioned it and the Chief Officer issued the license

Mr C Krishna Murthy Rao, the then Chief Officer of the Municipality not only admits that this plan A-B-C-D was drawn by the Sub-Overseer of the Municipality but says that when Mr Veerappa commenced construction of the hotel portion, the President and some Councillors inspected the site and asked Mr Veerappa to set back the foundation by three feet and that Mr Veerappa did actually set back by three feet As it was an improtant locality-adjacent to Bangalore-Dharwar Road, the President and Chief Officer appear to have got the plan marked by the Municipal Sub-Overseer themselves showing proper road-margin etc It is curious how the President says that he is not aware who had drawn the plan A-B-C D when it was the Municipal Sub-Overseerm who had drawn it

In the plan A-B-C-D, the restaurant portion is not shown but the restaurant portion in the plan submitted by Mr M Veerappa is not specifically scored In the Municipal Property Register, a triangular site measuring 120' x $\frac{50 + 0'}{2}$ is shown as existing on the ~~existing~~ eastern side and this is marked in the plans Nos 4 and 5 while demarcating the land in A-B-C-D ~~xx~~ the President seems to have not looked into the Property Register at all and he got demarcated the Eastern Boundary along the dotted line in A-B-C-D which almost came to the line C- - in plan 04 The President had committed an error and to rectify it he appears to have taken the stand that the restaurant portion had not been permitted to be constructed at all and that Mr M Veerappa had encroached upon the Municipal land He appears to hold that the dotted line on the Eastern side of the plan A-B-C-D x x x x x x x x x x x x x x x x x x that line was given to Mr M Veerappa and the Counsel for Mr M Veerappa has contended in his application to the President, dated 23-4-1945 that the ground plan A-B-C-D was drawn by the Municipal Office showing only a small triangular bit on the Eastern side, that is client has not agreed

even to t e correctness of this and that however, the restaurant building is well within the site marked in A-B-C-D It is true that the restaurant's building is well within the dotted line on the Eastern side of the plan A-B-C-D

Mr M Veerappa began to construct the restaurant portion at the place marked in Plan No 4 alleging that he was entitled to construct it under the sanctioned plan The Municipal Council - resolved on 23-4-1945 to take action against him under Section 103 (6) (b) Town Municipal Act and 131 of the said Act The President issued a notice to Mr M Veerappa to pull down the structure - within 72 hours Mr M Veerappa sent a petition to the Minister for Local Self Government on 23-4-1945 enclosing a copy of the - letter addressed to the Police Inspector, Davangere, wherein he has stated that if the Municipality were to use physical force and if the President or his subordinates were to collect men and enter upon the premises and to attempt to pull down the buildings, it will amount to offences under Sections 447 and 427 I P C and that he will be obliged to protect his rights under the Law He also applied to this office praying for a stay order saying that if the Municipality were to enforce the resolution, he will have to offer resistence to protect his rights It was reported by the Asst Superintendent of Police, Davangere, that the President was hastily trying to collect his staff and other people to pull down this - building, that Mr M Veerappa had also collected a large number of people to oppose them and that there was a likelihood of a breach of the peace A stay order was issued from this office - requesting the President to stop giving effect to the resolution He wired to the Dewn to cancel the stay order, which meant that he should be permitted to pull down the structure which as I will - later show was not a straight case for the Municipality and which would have caused a breach of the peace

On the application of Mr M Veerappa, the President was requested to send up an immediate report Before sending a full report, the Municipal Council passed a resolution on 17-5-1945 to

to prosecute Mr M Veerappa and to file a civil suit against him In memo No A6 2557/44-45 dated 31-5-1945, the President was asked to send a full report with records stating categorically what the case of the Municipal Council is On 4-6-45 he sent the report enclosing the connected records but he did not state what the case was The counsel for Mr M Veerappa was heard and points in dispute were formulated as noted below -

| | For the Municipality | | For Mr M Veerappa |
|---|---|---|---|
| 1 | The construction of the restaurant portion is unauthorised | 1 | It is authorised under the sanctioned plan |
| 2 | The construction of the Compound-wall along the dotted lines in A-B-C-D is un-authorised | 2 | It is authorised under the sanctioned plan |
| 3 | The resolution of the Municipal Council dated 17-5-1945 to prosecute Mr M Veerappa and to file Civil Suit against him is in order | 3 | It is ultra-vires and has to be cancelled as he has not committed an offence If this resolution is given effect to, he will sue the Municipal Council for malicious prosecution |
| 4 | The triangular bit measuring 120 x $\frac{50 + 0}{2}$ belongs to the Municipality and Mr M Veerappa has encroached upon it | 4 | This triangular bit does not belong to the Municipality and he has not encroached upon it |
| 5 | Mr M Veerappa is entitled to 110' x 120' leaving the triangular portion A-B-C | 5 | He is entitled to the full extent of site No 1 as shown in the plan of 1910 |

Even though a notice was issued to Mr M Veerappa as per instructions of this office not to proceed with the further construction and that if he does, he will do so at his risk and that it will be liable for being demolished, Mr M Veerappa has gone on with the construction alleging that he is within his rights

All along the contention of the President appears to be that Mr M Veerappa had encroached upon the triangular bit of land measuring 120' x $\frac{50+0'}{2}$ and without satisfying himself about the encroachment, he has written to the Dewan that valuable Municipal Property is in Jeopardy There was no encroachment at all as seen in the plans Nos 4 and 5 got prepared through the Chief Officer His contention has thus fallen flat and he admits that there are no entries in the Property Register to show that the land A-B-X-Z or R-S-T belong to

to the Municipality

It is Mr C Krishna Murthy Rao, the then Chief Officer, who has sanctioned this plan A-B-C-D The restaurant portion is not scored out in the plan and it is not projected in the plan A-B-C-D Mr C Krishna Murthy Rao says that when Mr V Veerappa began constructing it the President inspected the same and gave instruction to set it back that Mr Veerappa accordingly set it back by three feet and that Mr V Veerappa is entitled to construct the restaurant portion as per dimensions shown in the plan as the same was not struck off

Having said so much about the facts of the case, I will now discuss about the merits of the several points in dispute Very - interesting points of law and fact have been pressed the Counsel for Mr V Veerappa

(1) In 1910, site No 1 marked in plan No I, was sold in - public auction showing the boundaries of the site as roads on all the four sides The measurement of the site sold is shown as 110' x 120' with a direction that 10 feet road margin should be left This site actually measures more In Jowri -vs- Sowmra and others, Lahore High Court (Indian Cases Vol 58 1920 pp 67) it has been held that " it is a well-recognised principle of construction of deeds relating to land in cases of variation between measurements and plans, that reliance should ~~xxxx~~ ordinarily be placed on the latter " In Kit Lal Lahto and others -vs- A J Shilli gford, Patna High Court, (Indian Cases Vol 57 Vol 57, 1920 pp 2) it has been held that where there is a conflict between the area and the boundaries, which are firm, - ascertained and definite, the boundaries must prevail but if the - boundaries are uncertain the intention should be taken to be to - demise the specified quantity whithin those boundaries In Sarkar's Evidence Act in commentory under Section 67 the same principle is ~~xxxxxxx~~ enunciated If the boundaries of the site are the - - criterian for determining the rights of the purchaser then the whole site belongs to Mr Veerappa If the measurements are the criterian, a portion of the site only belongs to Mr M V Veerappa He contends supposing the site measured less than 110' x 120', the Municipality would not have given him any extra extent out of the roads to make up 110' x 120' and that Just because the site measures more the -

Municipality cannot claim the extra extent

(2) In the plan prepared in 1910, this site is marked as C 1 and has been sold as such The Municipality have not reserved any triangular bit out of this site No 1 and have not given any separate number for that triangular bit, so that the argument is that the Municipality, has no right what-so-ever to any land in site No 1 Suppose this triangular bit is given to the Municipality, it may sell the bit again and make profit This amounts to duplicate sale of one and the same land At this rate the Municipality can sell a site to a person showing clear boundaries and then cause it to be measured again and then issue notice that it is more and try to sell the excess, thus causing harassment to the parties It is alleged that this amounts to deception The Municipality cannot sell over and over again the same site

(3) The Municipality have sold this site with boundaries as roads on four sides and the purchasers have been in uninterrupted possession of this site for over 30 years and in the lease-deed the boundaries of the site are shown as roads on all the four sides - except on the West where it has been shown as Municipal land It is claimed that x x x x x x x x x possession and that the Municipality have no right to any portion of the land in this site

(4) Out of the four roads shown as boundries of the site, the road on the Southern side (The Bangalore-Dharwar Road) and the road on the Eastern side (Davangere-Jagalur Road) exist even now The - conservancy road on the Northern side and the Jagalur Road on the Western side are not easily discernible as this road has become - obsolete roads cannot be definitely put down now In one view of the matter, it is contended that if the measurements are the criterian, Mr M Veerappa is entitled to have the land measured with 10 feet margin on the Northern, Eastern and Southern sides and to leave the Municipal land if any on the Western side, since in the lease-deed the Western Boundary is shown as Municipal Land The result is that the Municipality has no right over the triangular bit on the Eastern side.

(5) The Municipality claim the triangular bit measuring 120' x $\frac{50 + 0}{2}$ on the basis of the entry in their Property Register The -

R

Property Register of the Municipality is written from the year - 1917-18 Is the party bound by the entry in this property Register when the same is against the Sale Notification and sale conditions? As this triangular site has not been shown either in the site plan of 1910 or in the Sale Notification, it is contended that the entry in the Property register which has been done only in 1917-18 without - consulting the sale purchaser, is ~~x~~ unauthorised

(6) Though the site measures more, why did the Municipality sell on 110' x 120' ? The explanation appears to be that since this site had been bounded on all sides by roads, road-margin had to be left and so deducting the road-margin, the site measuring 110' x 120' only has been sold It cannot be that the Municipality wanted to reserve any portion of the site No 1 so that it might be sold again at a later date for profit If the intention of the Municipality was that, it would have straight-away shown the place where it wanted to - reserve the excess ~~x~~ portion and given a number to it and sold it then It is hence alleged that the Municipality have only the right to indicate the road ~~x~~margin that is to be left and they have no - manner of right for the excess protion with a view to making profit by selling it to others and thus causing annoyance to the owner of this site

(7) If supposing Mr M Veerappa is entitled to only 110' x 120' out of this site, who is to demarcate this extent whithin site No 1? Is it Mr M Veerappa or is it the Municipal Council? If it is Mr M Veerappa, then the Municipality have no case since he will put the measurement in such a way that the entire construction is within that 110' x 120' or 13,200 sq feet If If it ~~x~~ is the Municipality, how will they get that right and under what law? The - Municipality can only demarcat the road-margin but not claim this way or that way as they please, land from Mr M Veerappa

(8) It is further contended that though Mr M Veerappa need not have given the right of demarcating 110' x 120' to the Municipality, still he adopted the plan A-B-C-D prepared by the Sub-Overseer of the Municipality In that plan 35 feet have been left as road margin in the South and 25 feet have been left as ~~no margin~~

the space from the compound to the buildings on the west Mr L Veerappa contends that if this 35 feet and 25 feet which have been marked by the Municipal Council are confirmed, then there will be no encroachment whatsoever if 110' x 120' or 13,200 sq feet is given in accordance with them Can the Municipality go behind the plan which has been prepared by its own sub-overseer and which has been duly sanctioned by its own Chief Officer;

(9) It is seen that there was an old construction on this site measuring 49½' x 110' It is contended by the President that Mr L Meerappa is entitled to get 30 feet on both sides of this 49½ feet Under what rule can this be enforced? There is no rule or law except the rule of the road-margin which can be validly enforced against Mr L Veerappa ~~xxxx~~ Can the Municipality arbitrarily lay down that Mr Veerappa should take such and such a protion?

(10) It is contended that when Baboo Lal had applied to the Municipality on 23-11-1942 for a license, he has shown in his plan the Municipal site on the Eastern side Does this mean that the Municipality has a triangular site towards the East? Does this stray word in an application validly confer a right on the Municipality to the triangular site when in 1910 they had not reserved such a triangular bit but have sold the entire site to the purchaser? In his further application dated 24-10-1943 he has enclosed another plan which does not show any Municipal site on the Eastern side

(11) It is contended by the Municipality that in the plan A-B-C-D, 25 feet towards the West have been shown by mistake and that seeing the scale in the plan it ought to be more and that the 25 feet should have been left from the edge of the building Mr L Veerappa is not responsible for this mistake and he is entitled to the benefit of it The licenses cannot be expected to scrutinise the plans and find out the mistakes committed by the Municipality - Suppose Mr L Veerappa had left 25 feet from the wedge of the building then the Municipality would have probably said that it was also - wrong because the arro-mark showing this 25 feet had extended into the building Either way it was easy for the Municipality to find fault with the license when it itself was in the wrong in the first instance

12) In the plan A-B-C-D prepared by the Sub-Overseer of the Municipality, the site belonging to or acquiesced to be given to him has been shown in dotted lines by the Municipality Mr L Veerappa contends that his entire construction is within the dotted line Is not the Municipality bound by the boundaries marked in these dotted lines which have been marked by its own Sub-Overseer?

13) It is contended that Mr L Veerappa is entitled to a rectangular site measuring 110' x 120' and not to an irregular site If the road-margin of 30 feet has to be left on the Southern side, such a rectangular piece cannot be shown at all without encroaching upon the road on the Northern side It is contended by Mr L Veerappa that because a portion of the road came within this 110' x 120' towards the North, a little projection on the North-east was added and that this has been definitely marked by the dotted line in the sanctioned plan A-B-C-D though he is entitled to the whole site

14) It is contended that Mr L Veerappa has given an application on 16-12-1944 to the Municipality for giving the triangular bit to him on 20 years' lease and that this amounts to his acquiescence that the triangular bit belonged to the Municipality He has withdrawn this application on 14-2-45 Just because he has given an application wrongly, it does not mean that he has given up his right under the lease-deed Further, the triangular bit referred to by Mr L Veerappa in his application dated 16-12-1944 may mean the triangular bit shown in the sanctioned plan A-B-C-D as belonging to Municipal Council The triangular bit referred to in the application dated 16-12-1944 may not referred to in ~~the application dated 16-12-1944 may not refer to~~ the triangular bit measuring 120' x $\frac{50' + 0'}{2}$

(15) It is alleged that there was an old foundation of this site leaving 25 feet from the road on the Southern side and that Mr L Veerappa has demolished this old foundation and constructed the present one at 30 feet from the road This he has done in accordance with the sanctioned plan A-B-C-D and he cannot be penalised for this and compelled to take land from 20 feet only and not from 30 feet

and not from 30 feet

(16) It is contended that Mr M Veerappa has already - constructed compound-wall on the Northern and Western sides without license He says he is doing so as per sanctioned plan A-B-C D

(17) It is contended that on the gound that the restaurant portion is being constructed without a license Mr M Veerappa has been prosecuted and that this prosecution is vexious Several - arguments are adduced in his favour I refrain from commenting since the matter is subjudice In P D Iyengar's 'Law of Corporation in British India" pp 402, it is stated as follows - 'In cases where there is a discretion, that discretion in granting or refusing a license must be exercised judicially'

A local authority can refuse a license only on grounds of public safety, health or convenience and not to secure an advantage to itself in a dispute about the question of title

(18) It is contended that the Caltex Company people are - complaining that the water of the restaurant will flow towards their land and that the kitchen fire in the restaurant is dangerous If Mr M Veerappa is entitled to construct the restaurant portion, then the remedy is not to arbitrarily demolish the restaurant portion There is a road between the restaurant portion and the land belonging to the Caltex Company Mr M Veerappa may be directed by a notice to put up a suitable sanitary pit to take off all the out-flow of water So far as the danger from fire is concerned, Mr M Veerappa states that that the tank is adjacent to the Railway line, that all along there has been no danger from the sparks of the engine of the Railway, that the distance between the restaurant portion and the tank is more than 60' that there is a compound wall also on the Northern side and that there is absolutely no fear of fire I think there is no fear of fire from this restaurant If necessary, Mr M Veerappa may be asked not to have doors and windows on the Northern and western sides of the kitchen

In view of all these considerations, the right of the - Municipality to the alleged triangular bit of land- $120' \times \frac{60 + 0'}{2}$ is highly dubious Even if the Municipality should agitate in a -

Civil Court and get this triangular piece of land, what will it do with it? In the lay-out plan No 2 dated 11-2-1944 prepared by the Government Architect only shops had been proposed to be constructed on these sites With the construction of this theatre it appears to me that no shops can be permitted to be constructed on the Eastern side as they will abutt very close to the Theatre and that the space should be kept open The Municipal Council have resolved to sell the triangular bit They can be permitted to do so, only if the Government Architect approves of the sale

IN CONCLUSION, I HAVE TO STATE AS FOLLOWS -

In the resolution of the Municipal Council dated 17-5-45 a criminal case as well as a civil suit have been proposed to be - filed against Mr M Veerappa The Criminal Case is subjudice If the Municipality succeed in this, then they get a right to pull down the hotel portion If they fail, the counsel for Mr M Veerappa says that he will sue the Municipality for malicious prosecution The result of the case may be awaited

As regards the filing of civil suit under this resolution there is no construction or encroachment as already stated on the triangular bit A-B-C marked in the plan N 4 The Municipality may sue for them ~~They may also put forth their~~ alleged land A-B-C They may also put forth their claim that Mr M Veerappa is entitled to only 110' x 120' in site No 2

I am not sure if the Municipal Council have considered the various points of law and fact mentioned above before they passed this resolution of 17-5-1945 I am sending a copy of this letter to the President and requesting him under Section 102 (c) Mysore Town Municipalities Act to explain to the Municipal Council their rights and liabilities in this contested case The Municipal Council may consider all aspects and pass a well-considered resolution - whether they would wish the Civil Suit to be filed against Mr M Veerappa If they so ~~receive~~ resolve, they may file a Civil Suit and they may also take such action as they deem fit, after the result of the Criminal Case is known No interference with their Criminal or Civil remedies is called for, but ~~the~~ the Municipal Council cannot be

permitted to sell the triangular bit in public auction [illegible] considering the Government [illegible] I am requesting the President to consult the Government Architect on this behalf.

The entire records connected with this case are herein enclosed for kind perusal and early return.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- K. C. [illegible],

Deputy Commissioner,
Chitradurga District

Copy to the President, Town Municipal Council, Davangere for information and necessary action.

Sd/- K. C. [illegible],

Deputy Commissioner,
Chitradurga District

Copy

President,
Town Municipal Council,
Davangere

Appendix F G—11 No. 4

SUBJECT Sale of land lying by the side of the Motha Tolkuru in Ddvahgem to Mr Motha Veerappa

Section

File No

Serial No

*Diary No of letter replied to* 4491

No L.13885

To

The Deputy Commissioner,
Chatelding St,
Chatelding

General and Revenue Secretariat

( )

*the* *19*

Date of issue 25/2/48

Signed by

Sir,

With reference to the correspondence ending with your letter No A6-PR 319/44-45, dated the 27th January 1948, on the above subject, I am directed to state that the Government Architect who was consulted says that the road leading from Gandhi Circle to the Level Crossing

List of enclosures

Copied by

Examined by

WD 06965—GPB—8 000—9-8-47

which forms the western boundary of
the Motha Theatre property is the only link
between the old and the new towns of
Davangere, and that, as the traffic on
this road is extremely heavy, it may
become necessary to widen it in the
near future. He may for Considers that a
road margin of at least
15 feet (preferably 20 feet) should be, therefore,
kept as Municipal property between the
drain and the compound wall of the
Motha Talkies, to avoid expensive acquisition
proceedings, when the widening of the road
becomes necessary In the circumstances,
the resolution of the Municipal Council
of Davangere dated 9th June 1947 to
sell the margin land in question to the
Motha Veerappa, Theatre Proprietor, ~~with~~
~~have~~ ~~to~~ Can the approved only subject to the maintenance
of the above described road-margin by the
Municipality Whether the Municipality can
satisfy these ~~terms and conditions~~ conditions
may be ascertained and intimated
2 Whether the question of the sale of the land

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

in question to the Theatre Proprietor may be dropped altogether, in the light of the Govt. Architect's opinion may also be considered and your opinion in the matter furnished, to enable Govt to pass orders in the matter

I have the

for 17/2/48

For Secretary to Govt
Revenue Dept-

Ptor
14 2-48

For 14 2 48

W D 08603—GPB—1 000—8-7 35

Ml 522 53

Office of the Deputy Commissioner,

No AE P R 319/44-45

Chitaldrug Dated, 14th [illegible] 1948

To

Janab Syed Abdul Aleem,B A ,
Secretary to the Government of Mysore, Revenue Department,
Bangalore
===

Sir,

Re Sale of land lying by the side of the Mothi Talkies in Davangere to Mr Mothi Veeranna
===

Adverting to your letter No L 13825 dated 25-2-1948 and No 17958 dated 2-6-1948 on the above subject, I have the honour to state that the detailed report together with the resolution of the Municipal Council is not received so far from the President, and the Sub Division Officer, Davangere

The above Officers are reminded today to expedite their reports in the matter

Soon after the receipt of the same, a reply will be sent in the matter

I have the honour to be,
Sir,
Your most obedient Servant,

for Deputy Commissioner, Chit Dist

C M F 3/

Further report from the D C Chitaldrug will be awaited

Office of the Deputy Commissioner,
No A6 P R 445 C 2.329/48-9 Chitaldrug, dated, 9th March 1948

To

Janab Mir Sikander Hussain, B.A.,
Secretary to Government, General Department,
Bangalore

Sir,

Re Sale of land by the side of the Nothi Talkies in Davangere to Sri Jothi Veerappa

Adverting to your letter No L 13805 dated 25-2-1948 and No L 9023 dated 8-2-1948 on the subject noted above, I have the honour to state that the President, City Municipality Davangere who was requested to intimate the opinion of the Council on the several points raised in your letter, has not furnished the particulars so far, though he has been reminded several times The Sub Division Officer, Davangere Sub Division was also requested to inspect the spot in question and submit his report As his report has not been received so far, he has been reminded today to expedite submission of his report

I have requested the President, City Municipality Davangere to forward at an early date the opinion of the Municipal Council with a detailed report on the several points called for

The report of the Sub Division Officer will be sent immediately on its receipt

Yours faithfully,

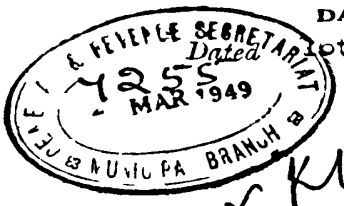
C.F 3/

H. Hanumanthe Rao
Deputy Commissioner, Chitaldrug District.

DAVANGERE CITY MUNICIPALITY Mk. 67-48-58

No HC 99/4849
Encl 2
From

MUNICIPAL OFFICES
DAVANGERE
Dated 30th March 1949




The President,
City Municipal Council,
Davangere City

To

The Secretary to Government,
General Department,
Bangalore

Subject - Sale of Land lying by the side of the Lotni Tal ies to Sri Motni Veerappa

Sir,

With reference to Chitaldrug District Deputy Commissioner's memo letter No A6 P R 619/47-48 dated 3-3-1948 forwarding copy of our letter No L 13805/25-2-43, on the above subject I have the honour to state that this subject was placed before the Council at its meeting held on 17-4-'48, it was resolved by the Council that the sale of land may be dropped in the light of the opinion of the Government Architect Two copies of the resolutions are herein enclosed for ready reference and orders

Yours faithfully,

President,
Davangere City Municipality

LKR/-

Proceedings of the Special General Meeting of the City Municipal Council Davangere held on 17-4-1948 at 5 p m in the Council Hall of the Municipal Office, Davangere

---

President Sri K T Jambanna

x x x

| Subject | Resolution |
|---|---|
| 13 To reserve the road margin between Gandhi Circle and Eastern circle solely by the Municipality for extension of Road and for other exigencies as opined by Government Architect and Government | Resolved that the land sold at present may be retained by the Municipality according to the suggestion of the Govern ent Architect and the Government |

---

Sd/- K T Jambanna

President

Copy

Km Municipal Commissioner,
Davangere City Municipality

LIL/-

Proceedings of the Special General Meeting of the City Municipal Council Davangere held on 17-4-1948 at 5 p m in the Council hall of the Municipal Office, Davangere

---

President Sri K T Jambanna

x x x

| | Subject | Resolution |
|---|---|---|
| 14 | Letter received from the Revenue Secretary regarding the disposal of the land in front of Lotni Talkies to Sri Lotni Veerappa stating that the Government Architect has opined to allow 15' to 20' of road margin between the drain and the compound wall of the Lotni Talkies and the land may be sold subject to the above condition or ever the council may consider the question of dropping the sale of the land ofdself | Resolved that the sale of the land may be dropped vide resolution No 13 |

---

Sd/- K T Jambanna

President

Copy

16/4/48

Municipal Commissioner,
Davangere City Municipality

L.11690/ mh 67-48. 58.

To The ~~Mgt Comm~~ 21/4/49

Davangere Cy Mdpr. thro the Dpty

Sir,

With reference to the Correspondence ending with your letter No H c99/48-49, Dy 16 3 49 pin the matter of the sale of land lying by the side of the Mother Talkies to Sri Mother Veerappa, ~~Dy~~ Davangere Cy Mdpr, ~~states that Govt~~ Convey the approval of Govt to drop the sale of the land in question as resolved by the Mcl at their meeting held on 17-4-48

The records accompany

Yours faithfully

for

for Secy to Govt